

REMARKS

The last Office Action has been carefully considered. It is noted that Claims 1-4 are rejected under 35 USC 103(a) over the European patent document to Evans in view of the U.S. patent to Merrit.

Also, the claims are rejected under 35 USC 112.

With the present amendment applicant first of all amended the specification to bring it in compliance with the requirements of U.S. patent practice, by providing a cross reference to a related application, corresponding headings, and the abstract of the disclosure.

After carefully considering the Examiner's grounds for rejection of the claims over the art, applicant cancelled original claims and submitted a new set of claims including Claim 5, the broadest claim on file, and Claims 6-11 which depend on it.

It is respectfully submitted that Claim 5, the broadest claim on file, clearly and patentably distinguishes the present invention from the prior art applied by the Examiner.

Before the analysis of the prior art it is believed to be advisable to explain the new features of the present invention as defined in Claim 5.

Claim 5 specifically defines a method of flavoring corn kernels, in accordance with which corn kernels are introduced in a container with a brine prepared from water and sodium chloride and kept in the brine until the brine is absorbed by the corn kernels, then the corn kernels are dried until they recover their original moisture level, food flavors are incorporated during the step of swelling the grain kernels in the brine or during the subsequent step of drying, and then the grain kernels are subjected to a surface coating with a fixing agent to prevent the loss of the flavoring agents incorporated during the preceding steps.

Turning now to the references and in particular to the patent to Evans, it can be seen that this reference discloses soaking of unpopped corn kernels in a solution of water and sodium chloride with subsequent drying of the corn kernels. This reference does not disclose a surface coating of the grain kernels prepared in this manner so that food flavors, introduced into grain kernels during the step of swelling of the corn kernels in the brine or during the step of drying of the corn kernels, are not lost. The reference does not contain any hint or suggestion for such features.

The patent to Merritt discloses a spray coating of edible adhesive. This reference however does not disclose swelling of corn kernels in a water-sodium chloride brine and then their drying, incorporating food flavors during the swelling step or the drying step, and providing a surface coating for preventing the loss of the flavoring agent in the grain kernels incorporated in the grain kernels during the swelling or drying steps. The Merritt reference teaches a spray coating of conventional products, and has nothing to do with coating of the grain kernels which had been preliminarily swollen and dried, and incorporated food flavors to prevent the loss of the flavoring agents.

This reference also does not teach the new features of the present invention as defined in Claim 5.

As for the combination of the references applied by the Examiner, it is first of all respectfully submitted that the references cannot be combined as a matter of obviousness. The patent to Evans teaches soaking of unpopped corn kernels in a solution of water and sodium chloride and their subsequent drying, but does not disclose a surface coating for preventing a loss of food flavoring agents introduced during the swelling step or during the drying step. The patent to Merritt teaches a spray coating of edible adhesive which has nothing to do with preventing a loss of flavoring agent introduced during the step of swelling or the step of

drying of grain or corn kernels. Therefore, the references are not combinable as a matter of obviousness, and also the present invention cannot be considered as obvious from the combination of the references applied by the Examiner.

Claim 5, the broadest claim on file, should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on Claim 5, they share its allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be

helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,


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